

# SENATE BILL 362

F1

(2lr1323)

## ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senators Pugh, Benson, Conway, Currie, Forehand, Garagiola, Jones-Rodwell, Madaleno, McFadden, ~~and Stone~~ Stone, Ferguson, Pinsky, and Rosapepe**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Education – Age for Compulsory Public School Attendance – Exemptions**

3 FOR the purpose of altering the age at which certain children are required to attend a  
4 public school regularly during the entire school year, subject to certain  
5 exceptions; altering the age of certain children for which certain persons are  
6 responsible for the child’s attendance at school or receipt of certain instruction;  
7 requiring certain children to return to attendance at school under certain  
8 circumstances; requiring the State Department of Education to complete certain  
9 tasks on or before a certain date; requiring the State Department of Education, in  
10 consultation with the Department of Labor, Licensing, and Regulation, to  
11 develop a certain program and request necessary legislation on or before a  
12 certain date; requiring the county boards of education to submit certain plans to  
13 the State Department of Education on or before a certain date; requiring the

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 State Department of Education to submit certain reports to certain persons and  
 2 entities on or before certain dates; making certain stylistic changes; providing for  
 3 the application of this Act; providing for delayed effective dates; and generally  
 4 relating to the age for compulsory public school attendance.

5 BY repealing and reenacting, with amendments,  
 6 Article – Education  
 7 Section 7–301  
 8 Annotated Code of Maryland  
 9 (2008 Replacement Volume and 2011 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article – Education  
 12 Section 7–301(a), (a–1)(1), (c), ~~and (e)(2)~~ (e)(2), and (g)  
 13 Annotated Code of Maryland  
 14 (2008 Replacement Volume and 2011 Supplement)  
 15 (As enacted by Section 1 of this Act)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Education**

19 7–301.

20 **(A) THIS SECTION DOES NOT APPLY TO A CHILD UNDER THE AGE OF 17**  
 21 **YEARS WHO:**

22 **(1) HAS OBTAINED A MARYLAND HIGH SCHOOL DIPLOMA, AN**  
 23 **EQUIVALENT OUT-OF-STATE HIGH SCHOOL DIPLOMA, OR A GED;**

24 **(2) IS A STUDENT WITH DISABILITIES AND HAS COMPLETED THE**  
 25 **REQUIREMENTS FOR A MARYLAND HIGH SCHOOL CERTIFICATE OF**  
 26 **COMPLETION;**

27 **(3) IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING**  
 28 **THE SCHOOL YEAR IN THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS**  
 29 **TO CHILDREN OF THE SAME AGE, ~~INCLUDING HOME SCHOOLING UNDER~~**  
 30 **~~COMAR 13A.10.01;~~**

31 **(4) HAS COMPLETED AN INSTRUCTION PROGRAM UNDER**  
 32 **PARAGRAPH (3) OF THIS SUBSECTION;**

33 **~~(4)~~ (5) IS SEVERELY ILL AND REQUIRES HOME OR HOSPITAL**  
 34 **INSTRUCTION;**

1           ~~(5)~~ (6)           IS MARRIED;

2           ~~(6)~~ (7)           IS IN MILITARY SERVICE;

3           ~~(7)~~ (8)           IS COMMITTED BY COURT ORDER TO AN INSTITUTION  
4 WITHOUT AN EDUCATIONAL PROGRAM;

5           ~~(8)~~ (9)           PROVIDES FINANCIAL SUPPORT TO THE CHILD'S  
6 FAMILY AS DOCUMENTED BY A LOCAL DEPARTMENT OF SOCIAL SERVICES;

7           ~~(9)~~ (10)          SUBJECT TO THE APPROVAL OF THE COUNTY  
8 SUPERINTENDENT, HAS BEEN EXPELLED UNDER § 7-305 OF THIS SUBTITLE;

9           ~~(10)~~ (11)          IS PREGNANT OR A PARENT AND IS ENROLLED IN AN  
10 ALTERNATIVE EDUCATIONAL PROGRAM;

11          ~~(11)~~ (12)          ATTENDS AN ALTERNATIVE EDUCATIONAL PROGRAM;

12          ~~(12)~~ (13)          SUBJECT TO WRITTEN PARENTAL CONSENT AND  
13 WRITTEN AGREEMENT WITH THE COUNTY BOARD, ATTENDS A PUBLIC SCHOOL  
14 ON A PART-TIME BASIS AND ATTENDS A PRIVATE CAREER SCHOOL AS DEFINED  
15 UNDER § 10-101 OF THIS ARTICLE ~~OR PARTICIPATES IN GED COURSES ON A~~  
16 ~~PART-TIME BASIS; OR~~

17          ~~(13)~~ (14)          IS WAIVED FROM THE PROVISIONS OF THIS SECTION BY  
18 THE STATE SUPERINTENDENT.

19           [(a)] (A-1) (1)      Except as otherwise provided in this section, each child who  
20 resides in this State and is 5 years old or older and under [16] 17 shall attend a public  
21 school regularly during the entire school year [unless the child is otherwise receiving  
22 regular, thorough instruction during the school year in the studies usually taught in  
23 the public schools to children of the same age].

24           (2)      In accordance with regulations of the State Board of Education, a  
25 child who resides in this State and is 5 years old may be exempted from mandatory  
26 school attendance for 1 year if the child's parent or guardian files a written request  
27 with the local school system asking that the child's attendance be delayed due to the  
28 child's level of maturity.

29           (3)      Except as provided in subsection (f) of this section or in regulations  
30 of the State Board of Education, each child who resides in this State shall attend a  
31 kindergarten program regularly during the school year prior to entering the first  
32 grade unless the child is otherwise receiving regular, thorough instruction in the skills  
33 and studies usually taught in a kindergarten program of a public school.

1 (b) A county superintendent, school principal, or an individual authorized by  
2 the county superintendent or principal may excuse a student for a lawful absence.

3 (c) Each person who has legal custody or care and control of a child who is 5  
4 years old or older and under [16] 17 shall see that the child attends school or receives  
5 instruction as required by this section.

6 (d) (1) This section applies to any child who has a mental, emotional, or  
7 physical handicap.

8 (2) This section does not apply to a child:

9 (i) Whose mental, emotional, or physical condition makes [his]  
10 **THE CHILD'S** instruction detrimental to [his] **THE CHILD'S** progress; or

11 (ii) Whose presence in school presents a danger of serious  
12 physical harm to others.

13 (3) With the advice of the school principal, supervisor, pupil personnel  
14 supervisor, or visiting teacher and with the written recommendation of a licensed  
15 physician or a State Department of Education certified or licensed psychologist, the  
16 county superintendent may:

17 (i) Make other appropriate provisions for the free education of  
18 any student excepted from attendance under paragraph (2) of this subsection; or

19 (ii) Permit the parents or guardians of that student to withdraw  
20 [him] **THE CHILD** from public school, for as long as the attendance of the child in a  
21 public school would be detrimental to [his] **THE CHILD'S** progress or [his] **THE**  
22 **CHILD'S** presence in school would present a danger of serious physical harm to others.

23 (4) If a child is withdrawn from a public school under this subsection,  
24 the county board shall make other appropriate provisions for the education of the  
25 child.

26 (5) If an appropriate educational placement is not available  
27 immediately, the county board shall make interim provisions for the education of the  
28 child until an appropriate placement becomes available.

29 (e) (1) Any person who induces or attempts to induce a child to [absent  
30 himself] **BE ABSENT** unlawfully from school or employs or harbors any child who is  
31 absent unlawfully from school while school is in session is guilty of a misdemeanor and  
32 on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30  
33 days, or both.

1           (2) Any person who has legal custody or care and control of a child  
2 who is 5 years old or older and under [16] 17 who fails to see that the child attends  
3 school or receives instruction under this section is guilty of a misdemeanor and:

4                   (i) For a first conviction is subject to a fine not to exceed \$50  
5 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

6                   (ii) For a second or subsequent conviction is subject to a fine not  
7 to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or  
8 both.

9           (3) (I) As to any sentence imposed under this section, the court  
10 may suspend the fine or the prison sentence and establish terms and conditions  
11 [which] THAT would promote the child's attendance.

12                   (II) The suspension authority provided for [in] UNDER  
13 SUBPARAGRAPH (I) OF this [subsection] PARAGRAPH is in addition to and not in  
14 limitation of the suspension authority under § 6-221 of the Criminal Procedure  
15 Article.

16           (e-1) (1) This subsection applies only:

17                   (i) In a county in which the circuit administrative judge has  
18 established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article;  
19 and

20                   (ii) To the extent that funds are provided in an annual State  
21 budget for a Truancy Reduction Pilot Program.

22           (2) A charge under this section may be filed in the juvenile court and  
23 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts  
24 Article.

25                   (3) (i) For a person with legal custody or care and control of a child  
26 at the time of an alleged violation of this section, it is an affirmative defense to a  
27 charge under this section that the person made reasonable and substantial efforts to  
28 see that the child attended school as required by law but was unable to cause the child  
29 to attend school.

30                   (ii) If the court finds the affirmative defense is valid, the court  
31 shall dismiss the charge under this section against the defendant.

32           (4) The court may condition marking a charge under this section set  
33 on participation of the defendant in the appropriate Truancy Reduction Pilot Program  
34 under Title 3, Subtitle 8C of the Courts Article.

1 (f) A child may be exempted from attending kindergarten if a parent or  
 2 guardian of the child files a written request with the local school system and verifies  
 3 that the child is enrolled:

- 4 (1) Full time in a licensed child care center;  
 5 (2) Full time in a registered family child care home; or  
 6 (3) Part time in a Head Start 5 year old program.

7 **(G) SUBJECT TO DATA BEING AVAILABLE THROUGH THE MARYLAND**  
 8 **LONGITUDINAL DATA SYSTEM ESTABLISHED UNDER § 24-702 OF THIS ARTICLE**  
 9 **AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A CHILD UNDER THE**  
 10 **AGE OF 17 YEARS SHALL RETURN TO ATTENDANCE AT A PUBLIC SCHOOL**  
 11 **REGULARLY DURING THE SCHOOL YEAR AS REQUIRED BY THIS SECTION, IF THE**  
 12 **CHILD:**

13 **(1) IS NO LONGER PARTICIPATING IN GED COURSES; AND**

14 **(2) HAS NOT OBTAINED A PASSING SCORE ON THE GED TEST**  
 15 **THAT RESULTED IN THE ISSUANCE OF A MARYLAND HIGH SCHOOL DIPLOMA.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 17 read as follows:

18 **Article – Education**

19 7-301.

20 (a) This section does not apply to a child under the age of [17] 18 years who:

21 (1) Has obtained a Maryland high school diploma, an equivalent  
 22 out-of-state high school diploma, or a GED;

23 (2) Is a student with disabilities and has completed the requirements  
 24 for a Maryland high school certificate of completion;

25 (3) Is receiving regular, thorough instruction during the school year in  
 26 the studies usually taught in the public schools to children of the same age, ~~including~~  
 27 ~~home schooling under COMAR 13A.10.01;~~

28 **(4) Has completed an instruction program under paragraph (3) of this**  
 29 **subsection;**

30 ~~(4)~~ **(5) Is severely ill and requires home or hospital instruction;**

1           ~~(5)~~ (6) Is married;

2           ~~(6)~~ (7) Is in military service;

3           ~~(7)~~ (8) Is committed by court order to an institution without an  
4 educational program;

5           ~~(8)~~ (9) Provides financial support to the child's family as documented by  
6 a local department of social services;

7           ~~(9)~~ (10) Subject to the approval of the county superintendent, has been  
8 expelled under § 7-305 of this subtitle;

9           ~~(10)~~ (11) Is pregnant or a parent and is enrolled in an alternative  
10 educational program;

11           ~~(11)~~ (12) Attends an alternative educational program;

12           ~~(12)~~ (13) Subject to written parental consent and written agreement  
13 with the county board, attends a public school on a part-time basis and attends a  
14 private career school as defined under § 10-101 of this article ~~or participates in CLEP~~  
15 ~~courses on a part-time basis~~; or

16           ~~(13)~~ (14) Is waived from the provisions of this section by the State  
17 Superintendent.

18           (a-1) (1) Except as otherwise provided in this section, each child who  
19 resides in this State and is 5 years old or older and under [17] **18** shall attend a public  
20 school regularly during the entire school year.

21           (c) Each person who has legal custody or care and control of a child who is 5  
22 years old or older and under [17] **18** shall see that the child attends school or receives  
23 instruction as required by this section.

24           (e) (2) Any person who has legal custody or care and control of a child  
25 who is 5 years old or older and under [17] **18** who fails to see that the child attends  
26 school or receives instruction under this section is guilty of a misdemeanor and:

27                           (i) For a first conviction is subject to a fine not to exceed \$50  
28 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

29                           (ii) For a second or subsequent conviction is subject to a fine not  
30 to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or  
31 both.

1       (g) Subject to data being available through the Maryland Longitudinal Data  
2 System established under § 24-702 of this article and except as otherwise provided in  
3 this section, a child under the age of [17] 18 years shall return to attendance at a  
4 public school regularly during the school year as required by this section, if the child:

5           (1) Is no longer participating in GED courses; and

6           (2) Has not obtained a passing score on the GED test that resulted in  
7 the issuance of a Maryland high school diploma.

8       SECTION 3. AND BE IT FURTHER ENACTED, That:

9       (a) On or before December 1, 2012, the State Department of Education shall:

10           (1) update the Drop Out Prevention/School  
11 Completion/Intervention/Resource Guide, synthesize the information, and analyze the  
12 effectiveness of local programs and services;

13           (2) report on the methodology for estimating the expected number of  
14 students per local school system that will remain in school as a result of this Act;

15           (3) estimate how to calculate State aid based on this methodology; and

16           (4) review available data from other states that have increased their  
17 compulsory age of attendance during the last decade.

18       (b) On or before December 1, 2012, the State Department of Education, in  
19 consultation with the Department of Labor, Licensing, and Regulation, shall develop a  
20 GED Options Program and request the departmental legislation necessary to  
21 implement the Program.

22       (c) On or before July 1, 2013, each county board of education shall submit a  
23 report to the State Department of Education on its plans for implementation of the  
24 provisions of this Act.

25       (d) On or before September 1, 2013, the State Department of Education shall  
26 submit to the Governor, the Secretary of Budget and Management, and, in accordance  
27 with § 2-1246 of the State Government Article, the Senate Education, Health, and  
28 Environmental Affairs Committee, the Senate Budget and Taxation Committee, the  
29 House Ways and Means Committee, and the House Appropriations Committee a  
30 compilation of the reports submitted by the county boards of education under subsection  
31 (c) of this section and any recommendations for programs, interventions, and services  
32 that are necessary prior to implementation of this Act.

33       (e) On or before September 1, 2013, the State Department of Education shall  
34 report to the General Assembly, in accordance with § 2-1246 of the State Government  
35 Article, on:

1                   (1) successful interventions at the early childhood and elementary  
2 school level;

3                   (2) best practices for parental education and involvement; and

4                   (3) alternative educational pathways.

5                   (f) On or before March 1, 2016, the State Department of Education shall  
6 submit a preliminary report to the General Assembly, in accordance with § 2-1246 of  
7 the State Government Article, on the implementation of this Act.

8                   (g) On or before August 1, 2016, the State Department of Education shall  
9 submit a final report to the General Assembly, in accordance with § 2-1246 of the State  
10 Government Article, on the implementation of Section 1 of this Act.

11                   (h) On or before August 1, 2018, the State Department of Education shall  
12 submit a final report to the General Assembly, in accordance with § 2-1246 of the State  
13 Government Article, on the implementation of Section 2 of this Act.

14                   SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be  
15 construed to apply only prospectively and may not be applied or interpreted to have any  
16 effect on or application to:

17                   (1) any child who is 16 years old or older before July 1, 2015; or

18                   (2) any child who is 17 years old or older before July 1, 2017.

19                   SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act  
20 shall take effect July 1, 2015.

21                   SECTION ~~3~~ 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
22 shall take effect July 1, ~~2016~~ 2017.

23                   SECTION ~~4~~ 7. AND BE IT FURTHER ENACTED, That, except as provided in  
24 ~~Section 3~~ Sections 5 and 6 of this Act, this Act shall take effect ~~June 1, 2014~~ July 1,  
25 2012.